

REMARKS

This paper is submitted in reply to the Decision of the Board of Patent Appeals and Interferences dated September 9, 2010, within the two-month period for response and in connection with a Request for Continued Examination (RCE). Authorization for a Credit Card charge of \$810.00 requisite fee is hereby included in the Electronic Fee sheet attached. Reconsideration and allowance of all pending claims are respectfully requested.

In the subject Board Decision, the Board upheld the rejections of claims 1-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2004/0172415 to Messina et al.

Applicant respectfully traverses the Examiner's rejections to the extent that they are maintained. Applicant has canceled claims 9, 14, 24 and 28 and amended claims 1-2, 8, 15-18, 23, 29-30 and 31. Applicant respectfully submits that no new matter is being added by the above amendments, as the amendments are fully supported in the specification, drawings and claims as originally filed. Applicant also notes that the amendments made herein are being made only for facilitating expeditious prosecution of the aforementioned claimed subject matter. Applicant is not conceding in this application that the originally claimed subject matter is not patentable over the art cited by the Examiner, and Applicant respectfully reserves the right to pursue this and other subject matter in one or more continuation and/or divisional patent applications.

Now turning to the Office Action, and in particular, to the rejection of claim 1, this claim, as amended herein, recites the following features:

searching a plurality of electronic messages associated with at least one electronic community, wherein searching the plurality of electronic messages includes, for each of the plurality of electronic messages:

analyzing text within such electronic message to determine whether such electronic message is asking a question posed in such electronic message by an originator of such electronic message and directed to members of the electronic community;

if such electronic message is determined to be asking a question, determining whether the question is capable of being answered; and

if the question is determined to be capable of being answered, accessing domain specific answer data resident in a database to generate an actual answer to the question; and

in response to locating a first electronic message that is determined to be asking a question posed by an originator of the first electronic message and determined to be capable of being answered when searching the plurality of electronic messages:

generating an advertisement related to a topic of interest to which the question posed by the originator of the first electronic message is directed; and

answering the question posed by the originator of the first electronic message by generating and sending a second electronic message, including incorporating into the second electronic message the generated actual answer and the advertisement related to the topic of interest to which the question posed by the originator of the first electronic message is directed.

Notably, claim 1 now focuses on analyzing text within an electronic message to determine whether the electronic message is asking a question posed by an originator of the message and directed to members of the electronic community; if the electronic message is asking a question, determining whether the question is capable of being answered; and if the question is capable of being answered, accessing domain specific answer data to generate an actual answer to the question. Support for these amendments may be found, for example, in paragraphs [0048] and [0053]-[0057] of the application.

In addition, claim 1 focuses on generating an advertisement related to the question found in a particular electronic message during the search, and answering the question by generating and sending a second electronic message that incorporates both the generated actual answer and the advertisement related to a topic of interest to which the question posed by the originator of the first message is directed. Support for these amendments may be found, for example, in paragraphs [0048] and [0062] of the application.

In addition, claims 9 and 14 have been canceled, and claims 2, 8 and 15-16 have been amended, for consistency with the amendments to claim 1.

In upholding the Examiner's rejection, the Board did not find Applicant's prior arguments regarding the difference between reply to a query and a reply to a message to be persuasive (September 9, 2010 Decision, page 7). In addition, the Board agreed with the Examiner's position that a reply to a query is inherently an answer to that query (September 9, 2010 Decision, page 8). The Board also found that due to the presence of different examples of answers in the specification were not sufficiently limiting to distinguish answers from replies to messages (September 9, 2010 Decision, page 9).

To address these issues, Applicant has amended claim 1 to remove the more generic references to queries and replies, and focus instead on questions posed by message originators and directed to members of the electronic community and actual answers to those questions. In addition, the process by which messages are searched for questions through analysis of message text, and then confirmed to verify that the questions are capable of being answered, has been more specifically recited, as has the use of domain specific answer data resident in a database to generate an actual answer (as opposed to simply a reply that directs a user to a web site, or otherwise is just a reply to a message). Finally, claim 1 also focuses on answering the question in a second message, and incorporating a topical advertisement along with the actual answer in the second message.

Therefore, taking into account the Board's Decision, Applicant has attempted to clarify the nature of the claimed invention in terms of locating messages with embedded questions posed to members of an electronic community, and providing actual answers to those questions. As Applicant has consistently maintained, Messina does not disclose or suggest searching for actual questions posed by authors of electronic messages. Moreover, Messina does not disclose searching for questions that are specifically directed to members of an electronic community. Messina merely searches for topics and keywords, and is otherwise unconcerned with whether a particular message has a question that is posed to members of an electronic community.

Messina also does not disclose or suggest generating an actual answer to a question posed in a message, and coupling that answer with an advertisement, so the fact that Messina may disclose generating replies to messages still falls short of disclosing this aspect of claim 1. Paragraph [0075], which the Examiner has previously relied upon for disclosing a reply, generates non-customized reply that states non-specific content such as “based on the content of your post, you would be interested in the one or more of the following websites, on-line forums, newsgroups, etc.” The reply otherwise does not provide an actual answer to a specific question posed in another message, it is merely an invitation based upon a prior post inviting the poster to visit a forum or website.

In addition, the fact that query detection algorithms may be known in the abstract does not render claim 1 obvious in view of Messina. Messina does not even customize a reply to mention the specific content in a message that triggered the reply, so Applicant submits that the reference does not suggest the desirability of customizing a reply that contains an actual answer to a question posed in an earlier message. Furthermore, the Examiner has not established from the alleged AAPA that query detection algorithms were known to be usable for generating customized replies with answers to particular questions posed in messages.

Applicant therefore submits that Messina combined with AAPA does not disclose or suggest searching messages for questions posed by their authors to members of an electronic community, or generating reply messages that contain actual answers to such questions, along with advertisements related thereto.

Also in upholding the rejection, the Board argued that, with respect to claim 14 and the concept of determining whether a query is capable of being answered, Messina discloses searching message boards for theme and fitness data, and that if a message does not contain data on a topic or concept being searched for, that message is not responded to (September 9, 2010 Decision, page 9).

In response, Applicant has incorporated claim 14 into claim 1, and furthermore, claimed with more specificity a sequence of determinations made in conjunction with the analysis of messages. In particular, claim 1 now recites a step of determining whether a

question is capable of being answered, which is performed only after the electronic message is first determined to be asking a question. Furthermore, this determination is used to condition whether domain specific answer data in a database is accessed to generate an actual answer to the question. As the Board acknowledged, Messina merely discloses searching message boards for theme and fitness data, with the assumption being that messages that don't include the requisite theme and fitness data being searched will never be responded to. Claim 1, however, only tries to determine whether a question is capable of being answered after it has been determined that a question is even present. Moreover, it is only after it has been determined that a question can be answered that a database is searched for an answer. Messina does not disclose or suggest analyzing a question to determine if it can be answered once a question has been identified.

Therefore, Applicant submits that Messina combined with AAPA also does not disclose determining whether a question is capable of being answered, when taken in conjunction with the other sequential steps recited in claim 1.

For the aforementioned reasons, therefore, Applicant submits that claim 1 is novel and non-obvious over Messina and the AAPA. Reconsideration and allowance of claim 1, and of claims 2-8, 10-13 and 15-16 that depend therefrom, are therefore respectfully requested.

Next, with respect to independent claims 17 and 31, these claims have been amended in a similar manner to claim 1. Claims 24 and 28 have been canceled, and claims 18, 23, and 29-30 have been amended, for consistency with these amendments. These claims are therefore patentable over Messina and the AAPA for the same reasons as presented for claim 1. Reconsideration and allowance of claims 17 and 31, and of claims 18-23, 25-27 and 29-30 that depend therefrom, are therefore respectfully requested.

As a final matter, Applicant traverses the Examiner's rejections of the dependent claims based upon their dependency on the aforementioned independent claims. Nonetheless, Applicant does note that a number of these claims recite additional features that further distinguish these claims from the references cited by the Examiner.

For example, with respect to claims 8 and 23, these claims have been amended to recite the concept of determining whether a question is associated with a topic of interest relevant to a particular marketing campaign when searching the messages, support for which may be found in paragraph [0055] of the application. In upholding the Examiner's rejections, the Board attempted to analogize Messina's search for posts related to topics to determining whether a query could be answered, since messages not matching a search criteria would not be responded to, and would not be "capable of being answered." Claims 8 and 23, however, now recite both determining whether a question is capable of being answered and determining whether a question is associated with a topic of interest, and as such, if the search for topics in Messina is used to allegedly disclose determining whether a question can be answered, the same search for topics cannot also be used to allegedly disclose searching for topics relevant to a particular marketing campaign.

In addition, with respect to claims 15 and 29, these claims have been amended to recite that searching the plurality of electronic messages further includes, after generating the actual answer to the question, searching a plurality of related electronic messages and comparing text in each related electronic message with the actual answer to determine whether the question has already been answered, and that sending the second electronic message is performed if it is determined that the question posed by the originator of the first electronic message has not yet been answered in any of the plurality of related electronic messages. In upholding the Examiner's rejections of these claims, the Board on page 10 of the Decision argued that reading messages for keywords and concepts makes it obvious to determine whether a message has already been answered. Applicant, however, has narrowed these claims to focus more specifically on comparing messages with an actual answer to determine whether the question has been answered, a process that is significantly more detailed than merely searching for keywords and concepts.

Applicant therefore submits that claims 8, 15, 23 and 29 as amended are patentable over Messina and the AAPA for the additional reasons discussed above.

In summary, Applicant respectfully submits that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending

claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

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Date

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